

DECLARATION FOR PATENT APPLICATION

Docket Number (Optional)

As a below named inventor, I/we hereby declare that:

RAR500.01

INVENTOR IDENTIFICATION: My/our residence, post office address and citizenship are as stated below or next to my/our name.

INVENTORSHIP CLAIM: I/we believe I/we am/are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Apparatus for Trapping Flying Insects the specification of which is attached hereto.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR: I/we hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I/we acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

PRIORITY CLAIM:

(1) Prior Foreign Application(s): I/we hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

N/A (Number)	(County)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
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(2) Provisional Application(s): I/we hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

N/A (Provisional Application Number)	(Filing Date)
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(3) Continuation Application(s): I/we hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I/we acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

N/A (Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
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SMALL ENTITY STATEMENT/DECLARATION: Applicant(s) is/are a Small Entity as defined by 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described and have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

POWER OF ATTORNEY: I/we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Richard A. Ryan Registration No. 39,014.

Address all telephone calls to Richard A. Ryan at telephone number: (559) 447-1862 fax number: (559) 447-1042

Address all correspondence to Richard A. Ryan
RYAN & ENGNATH
8469 N. Millbrook, Suite 104
Fresno, California 93720

DECLARATION: I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Donnie Rose, Sr.

Inventor's signature Donnie Rose, Sr. Date 2-03-04
Residence Kettleman City, California Citizenship U.S.
Post Office Address P.O. Box 316
Kettleman City, California 93239

ADDITIONAL INVENTORS: Separately numbered sheets naming additional inventors are attached hereto. Yes No

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Donnie Rose, Sr.

Title: Apparatus for Trapping Flying Insects

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b)--SMALL BUSINESS CONCERN**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Kettleman Pistachio Growers, a California partnership
1681 Andreas Estates Place
Royal Oaks, CA 95076-9321

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in the specification filed herewith, with title as listed above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

No such person, concern, or organization exists.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Lawrence.H. Easterling, Jr.
Managing General Partner
Kettleman Pistachio Growers
1681 Andreas Estates Place
Royal Oaks, California 95076-9321
US

SIGNATURE

A handwritten signature in black ink that reads "Lawrence H. Easterling, Jr." The signature is fluid and cursive, with "Lawrence" and "H. Easterling, Jr." clearly legible.

Date January 31, 2004

For: U.S. Rights and Foreign Rights
For: U.S. Patent Application
By: Inventor

COPY

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR:

Donnie Rose, Sr.
P.O. Box 316
Kettleman City, CA 93239
Nationality: USA
Residence: Kettleman City, CA

hereby sells, assigns and transfers to

ASSIGNEE:

Kettleman Pistachio Growers
1681 Andreas Estates Place
Royal Oaks, California 95076-932
Nationality: U.S.A.
Residence: California partnership

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

Apparatus for Trapping Flying Insects

and which is found in U.S. patent application filed with the title listed above and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I have hereunto set hand and seal this 3 day of February 2004.
Date of signing

Date: 2-3-04


Signature of Donnie Rose, Sr.